

**REMARKS**

Claims 1-3 and 5-8 are pending in the present application and stand rejected. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

**REJECTION UNDER 35 U.S.C. § 112**

Claims 1 and 2 stand rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants have amended Claims 1-2 and 5 to more clearly set forth the location of the solenoid (Claims 1-2) and gas control device (Claim 5). Therefore, Applicants respectfully submit that these claims are definite and thus respectfully request that this rejection be withdrawn.

**REJECTION UNDER 35 U.S.C. § 103**

Claims 1, 2 and 5-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Enyedy et al. (U.S. Pat. No. 5,938,949) in view of Hill (U.S. Pat. No. 3,061,709). This rejection is respectfully traversed.

Neither Enyedy et al. nor Hill disclose or teach a solenoid or gas control device that is located within a torch head and distally from a torch handle. The Outstanding Office Action admits that Enyedy et al. contains no such teaching and further erroneously states that Hill teaches a by-pass member 15 to control the local gas pressure in the torch head. A closer examination of Enyedy et al. reveals that the by-pass member 15 is not disposed within a torch head, as this term is used in the present application, and is in fact disposed within a torch handle H, as clearly depicted in Fig. 1. To make this distinction more clear, Applicants have amended

the claims to include the electrode that is received by the torch head, in addition to the gas flow/supply proximate the electrode. Since the cited references do not teach or suggest any such structure or function, Applicants submit that Claims 1, 2, and 5-8 cannot be obvious and thus respectfully request that the rejection of these claims be withdrawn.

Claims 1-3 and 5-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Enyedy et al. (U.S. Pat. No. 5,938,949) in view of Naor (U.S. Pat. No. 6,486,430). This rejection is respectfully traversed.

Claims 1-3 and 5-8 have been amended as set forth above to include the electrode that is received by the torch head, in addition to the gas flow/supply proximate the electrode. Naor is wholly void of any teaching or disclosure of having a solenoid or gas control device positioned and/or functioning according to the claimed invention. Naor merely discloses a three way air solenoid 307 that "may also be part of torch 306 ..." - - but that is it. There is no disclosure or teaching of where in the torch, and moreover, the three way air solenoid 307 only functions to vent the hose 303 and torch 306 when the arc is extinguished. (See, e.g., Column 6, Lines 48-50). Since the cited references do not teach or suggest the claimed structure or function, Applicants submit that Claims 1-3 and 5-8 cannot be obvious and thus respectfully request that the rejection of these claims be withdrawn.

#### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the Outstanding Office Action and the present application is in condition for allowance.

Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (734) 302-6043.

Respectfully submitted,

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Date

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